

**Report of Standing Committee**

Senator Stone, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred S. B. No. 290, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

**Adjournment**

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10.00 o'clock a. m. tomorrow.

**THIRTY-SEVENTH DAY**

(Thursday, March 18, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence Granted**

Senators Fain, Formby, Kelley, Lemens, and Spears were granted leave of absence for today on account of important business, on motion of Senator York.

**Reports of Standing Committees**

Senator Sulak submitted the following report:

Austin, Texas,  
March 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Printing to whom was referred S. B. No. 281, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee substitute do pass and be printed.

SULAK, Chairman.

Senator Graves submitted the following reports:

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 1, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred H. J. R. No. 18, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Senate Committee substitute attached hereto pass in lieu thereof and be printed.

GRAVES, Chairman.

Senator Hazlewood submitted the following reports:

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred S. B. No. 311, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred S. B. No. 277, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,  
March 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 32, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 144, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 209, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute for S. B. No. 209 pass in lieu thereof and be printed.

MOFFETT, Vice Chairman.

Senator Vick submitted the following report:

Senate Chamber,  
Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 280, have had the same under consideration, and I am instructed to report back to the Senate with recommendation that it do pass and be printed.

VICK, Chairman.

Senator Martin submitted the following reports:

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Labor to whom was referred S. B. No. 228, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the three attached Committee amendments and be printed.

MARTIN, Chairman.

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Labor to whom was referred S. B. No. 282, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute hereto attached do pass in lieu thereof and be printed.

MARTIN, Chairman.

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Labor to whom was referred S. B. No. 227, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,  
March 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Labor to whom was referred H. B. No. 100, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 67, Requesting the Governor to return H. B. No. 194 for further study and correction.

S. B. No. 158, A bill to be entitled "An Act to amend Sections 9 and 15 of S. B. No. 270, Acts of the Regular Session of the Forty-sixth Legislature, so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto, and Trinity Counties, and fixing the effective date of the beginning of such extension; etc.; and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act amending Subsection 16, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the 16th Judicial District Court in Denton and Cooke Counties, constituting the 16th Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 205, A bill to be entitled "An Act to amend Subsection 69 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the time and terms of holding the 69th District Court in Parmer, Deaf Smith, Oldham, Moore, Hartley, Sherman, and Dallam Counties, constituting the 69th Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act to amend Subdivision 84 of Article 199, of the Revised Civil

Statutes of Texas, 1925, so as to change the length of the terms of District Court in Carson, Hutchinson, Hansford, Ochiltree, and Hemphill Counties, constituting the 84th Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 237, A bill to be entitled "An Act amending Chapter 9, Section 4, of the General Laws of the Second Called Session of the Forty-second Legislature of Texas; etc.; and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act to prohibit the killing, capturing or taking possession of any wild fox in Fannin County for a period of two (2) years from and after the passage of this Act; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

Senate Bill 327 on First Reading

Senator Weinert moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended, to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Weinert:

S. B. No. 327, A bill to be entitled "An Act to amend Article 1549, of the

Penal Code of Texas, Revision of 1925, so to permit the State to elect which offense a party shall be prosecuted for when the act or transaction upon which the prosecution is predicated constitutes both swindling and some other offense."

To Committee on Criminal Jurisprudence.

#### Senate Bill 328 on First Reading

Senator Winfield moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended, to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 328, A bill to be entitled "An Act providing that the original field notes of all the land in Crockett County, Texas, now stored in the basement of the Court House in San Antonio, Texas, be removed to Crockett County; declaring legislative intent; making the county surveyor of Crockett County legal custodian of said records; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Senate Bill 329 on First Reading

Senator Beck moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended, to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Beck:

S. B. No. 329, A bill to be entitled "An Act to provide for the cost of transferring property of units of the Texas National Guard from the armories where now stored to storage at Camp Mabry, Austin, Texas, by making available for the purpose money already appropriated to the Texas National Guard Armory Board under item 7 of the appropriation to such board set out in Chapter 571 on page 1205 of General and Special Laws of the Forty-seventh Legislature of Texas; and declaring an emergency."

To Committee on Finance.

#### House Bill 635 on Second Reading

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 635, A bill to be entitled "An Act directing officials charged

with the duty of the assessment and collection of taxes in all counties in this State where the United States of America prior to January 1, 1943, took possession of certain lands in said counties under condemnation proceedings and acquired the beneficial title thereto, even though final payment was not made for the lands so taken prior to January 1, 1943, to omit said lands from the tax rolls for the year 1943, and not levy, assess and collect any taxes upon said lands for 1943, since the United States of America had the equitable and beneficial title to said land on January 1, 1943; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 635 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 635 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Brownlee
Beck	Bullock

Chadick	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

#### House Bill 122 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 122, A bill to be entitled "An Act providing for method of selling and for disposing of records now housed in the Confederate Home and the Confederate Woman's Home."

The bill was read second time.

Senator Lovelady offered the following amendments to the bill:

Amend H. B. No. 122 by striking out everything below the enacting clause and inserting in lieu thereof the following:

"Section 1. The Railroad Commission of Texas, the Texas Library and Historical Commission, the Bureau of Labor Statistics, the Industrial Accident Board, the Vocational Rehabilitation Division and other departments of the Department of Education, the Secretary of State, the State Departments of Public Welfare, the State Comptroller of Public Accounts, the State Board and Department of Health and any other agency of the Government are hereby directed to forthwith remove from the Texas Confederate Home for Men all books, records, correspondence, furniture, bookcases, storage crates and other property now stored by them in the buildings belonging to such institution.

"Sec. 2. Each of the above named agencies of the State Government are hereby directed to examine all books, papers, correspondence, records, and other printing supplies owned by them and acquired by them prior to September 1st, 1939 and to make

a list of all such records in their possession and custody, which have no value and further use, and to submit such list thereof of records no longer needed and worthless to the Texas Library and Historical Commission for enomination. Thereafter the Texas Library and Historical Commission will examine such list and if they want any or all of such records as are described in such list, such commission shall within five days after the date of the delivery of such itemized list acquire the same and remove them from the Texas Confederate Home for Men.

"Sec. 3. All such records which have not been acquired by the Texas Library and Historical Commission will be transferred to the State Board of Control, together with a certificate from the department from which such records are being transferred, stating that some of such items are needed for any purpose whatsoever, and that the Texas Library and Historical Commission have acquired, or had an opportunity to acquire of such records, as was wanted by them.

"Sec. 4. The State Board of Control is authorized and directed to sell such records as salvage, or any commercial purpose in the manner now required by law for the sale of junk, or to destroy them if they are not saleable.

"The fact that these records now take up much space in the Texas Confederate Home for Men, which is badly needed for hospitalization purposes and that if moved elsewhere the expense of storage must be paid by the State of Texas, and the fact that there is no law authorizing the destruction of any portion of them creates an emergency, and an imperative necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

(President pro tempore Mauritz in the Chair.)

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill:

Amend H. B. No. 122 by striking out everything above the enacting

clause and inserting in lieu thereof the following:

"An Act directing the Railroad Commission of Texas, the Texas Library and Historical Commission, the Bureau of Labor Statistics, the Industrial Accident Board, the Vocational Rehabilitation Division and other departments of the Department of Education, the Secretary of State, the State Department of Public Welfare, the State Comptroller of Public Accounts, the State Board and Department of Health, and any other agency of the Government to move all records, and property in their custody from the Texas Confederate Home for Men, directing the examination of records and a list made thereof to be submitted to the Texas Library and Historical Commission for examination, directing such Commission to acquire such records as are wanted by them within five days after delivery of such list, directing all such departments and agencies of the Government to transfer useless records not wanted by the Texas Library and Historical Commission to State Board of Control for sale or destruction; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 122 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## House Bill 537 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 537, A bill to be entitled "An Act amending Article 3224, Revised Civil Statutes of Texas, 1925, so as to permit idiots and imbeciles who are afflicted with epilepsy to be admitted to the Abilene State Hospital; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 537 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 537 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Bullock
Beck	Chadick
Brownlee	Cotten

Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## House Bill 206 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 206, A bill to be entitled "An Act to amend Section 9 of H. B. No. 10, Chapter 67 of Fifth Called Session of the Forty-first Legislature providing for the insertion after the word 'department' the words 'State institutions' and repealing S. J. R. No. 26, Acts of the Forty-first Legislature, Regular Session."

The President pro tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 206 on Third Reading**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 206 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President pro tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

**House Bill 10 on Second Reading**

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 10, A bill to be entitled "An Act to amend Section 5 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, by eliminating from said Section that particular exemption clause reading: 'wholesale and/or retail lumber and building material businesses engaged exclusively in the sale of lumber and building material,' and adding to said Section an exemption of any wholesale and/or retail lumber and/or building material place of business, provided as such as seventy-five (75) per cent of the gross proceeds of the business done at such place of business is derived from the sale of lumber and/or building material; and declaring an emergency."

The bill was read second time.

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 10 by changing the period to a semi-colon after the word "supplies" at the end of Section 5, line 9, page 2, and adding the following phrase: "provided that gas and/or electric utilities shall not hereafter be required to pay any tax or fee under this Act for the privilege of operating in towns of three thousand population or less, according to the next preceding Federal Census, a store or stores for the purpose of selling gas and/or electric appliances and/or parts for the repair thereof, provided as much as seventy-five per cent of the total gross receipts in each such town where such a store or stores are located is derived from the sale therein of gas and/or electric service, and provided further that for the privilege of operating a store or stores in towns of more than three thousand population, according to the next preceding Federal Census, for the purpose of selling any or all of the above named commodities, gas and/or electric utilities shall pay the tax or fee imposed by Sections 2 and 5a only of this Act."

(President in the Chair.)



Senator Vick moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10

Aikin	Mauritz
Brownlee	Moffett
Cotten	Sulak
Graves	Vick
Lanning	York

Nays—15

Beck	Moore
Bullock	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lovelady	Weinert
Martin	Winfield
Metcalf	

Absent

Chadick

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—15

Beck	Moore
Bullock	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lovelady	Weinert
Martin	Winfield
Metcalf	

Nays—10

Aikin	Mauritz
Brownlee	Moffett
Cotten	Sulak
Graves	Vick
Lanning	York

Absent

Chadick

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 10 by inserting after the word "hardship" in Section 2, line 37, page 2, the following: "and the further fact that the exemption relating to gas and/or electric utilities in towns of 3,000 population or less is uncertain and the further fact that recent court decisions make the respective and separate fees imposed by Sections 5 and 5a uncertain and indefinite in applications, create."

The amendment was adopted.

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 10 by adding a new Section to be numbered Section 1a, and to read as follows:

"Section 1a. If any Section, Subsection, sentence, clause, or phrase of this Act is, for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Act."

The amendment was adopted.

On motion of Senator Lovelady, the caption was ordered amended to conform to the body of the bill as amended.

Senator Metcalfe moved that the bill as amended be tabled subject to call.

The motion prevailed unanimously.

House Bill 197 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 197, A bill to be entitled "An Act amending Chapter 41, First Called Session of the Fortieth Legislature, as amended by paragraph 1, page 346, Acts of the Forty-sixth Legislature; etc.; and declaring an emergency."

The bill was read second time.

Senator Lovelady offered the following amendment to the bill:

Amend H. B. No. 197 by striking out everything below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 18, Chapter 41, page 118, Acts of the First Called Session of the Fortieth Legislature, as amended by Section 2, H. B. No.

614, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Section 1, H. B. No. 974, Chapter 564, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1, H. B. No. 624, Chapter 525, Acts of the Regular Session of the Forty-seventh Legislature, is hereby amended so as to hereafter read as follows:

"Sec. 18. Blanks and registration forms. That the State Department of Health shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this Act, and each city and incorporated town shall print and supply its local registrar, and each county shall print and supply the county clerk with permanent record books, in form approved by the State Registrar, for the recording of all births and deaths occurring within their respective jurisdiction. The State Registrar shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms shall be used than those approved by the State Department of Health. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the State Department of Health, or upon the original certificate, such information as they may possess regarding any birth or death, upon demand of the State Registrar in person, by mail, or through the local registrar; provided, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this Act shall be altered or changed in any regard otherwise than by the amendments properly dated, signed and witnessed. The State Registrar shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall pre-

pare and maintain a comprehensive index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the name of decedents, and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable, and dangerous to the public health, as decided by the State Department of Health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this State, such company, society, association, or individual, may file such record, or a duly authenticated transcript, thereof with the State Registrar, and it shall be the duty of the State Registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State Department of Health may prescribe. If any person desires a transcript of any record in accordance herewith, the State Registrar shall furnish same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of Ten (10c) Cents per folio, Fifty (50c) Cents per hour or fraction of an hour necessarily consumed in making such transcript, and to a fee of Twenty-five (25c) Cents for the certificate, which fees shall be paid by the applicant; provided, that before the issuance of any such transcript, the Registrar shall be satisfied that the applicant is properly entitled thereto, and that it is to be used only for legitimate purposes.

"And providing further that any citizen of the State of Texas wishing to file the record of any birth or death, not previously registered may submit to the Probate Court in the county where the birth or death oc-

curred, a record of that birth or death, written on the adopted forms of birth and death certificates; and provided further, that any citizen of the State of Texas wishing to file the record of any birth or death that occurred outside the State of Texas, not previously registered, may submit to the Probate Court in the County where he resides a record of that birth or death written on the adopted forms of birth and death certificates. The certificate shall be substantiated by the affidavit of the medical attendant present at the time of the birth, or in case of death, the affidavit of the physician last in attendance upon the deceased, or the undertaker who buried the body. When the affidavit of the medical attendant or undertaker cannot be secured, the certificate shall be supported by the affidavit of some person who was acquainted with the facts surrounding the birth or death, at the time the birth or death occurred, with a second affidavit of some person who is acquainted with the facts surrounding the birth or death, and who is not related to the individual by blood or marriage. Provided, however, that when application is made, as provided in this paragraph, a fee of One (\$1.00) Dollar shall be collected the Probate Court, Fifty (50c) Cents of which shall be retained by the Court, and Fifty (50c) Cents of which shall be retained by the Clerk of the County Court for recording said birth or death certificate. If the affidavit hereinbefore mentioned of some person acquainted with the facts at the time the birth or death occurred cannot be secured, then the County Judge shall order a trial of the issue as to the applicant's birth and hear the evidence of such witnesses and consider such documents relating thereto as may be available including testimony regarding the family history, and after such hearing if the Court concludes that it has been established beyond a reasonable doubt that the applicant was born within the United States, and at the time and place stated in the certificate, he shall enter judgment finding such facts relating to the applicant which judgment shall be accepted in lieu of the affidavit mentioned above, and sufficient, and shall order the State Registrar to accept the certificate of the applicant's birth.

The fee for this hearing shall be the same as those set out in Articles 3925, and Article 3930 Revised Civil Statutes of Texas, 1925, as heretofore amended. Within seven (7) days after the certificate has been accepted and ordered filed by the Probate Court, the clerk of that court shall forward the certificate to the State Bureau of Vital Statistics with an order from the court to the State Registrar that the certificate be accepted. The State Registrar is authorized to accept the certificate when verified in the above manner, and shall issue certified copies of such records as provided for in Section 21 of this Act. Certified copies of said birth or death certificate shall be issued by either the County Clerk or the State Registrar and fee for said certified copy shall be Fifty (50c) Cents. Such certified copies shall be prima facie evidence in all Courts and places of the facts stated thereon. The State Bureau of Vital Statistics shall furnish the forms upon which such records are filed, and no other form shall be used for that purpose. Provided further that at the end of each month the County Clerks of the State of Texas shall forward to the State Bureau of Vital Statistics an itemized list of all certified copies made and delivered during said month of any birth or death or delayed birth or death certificate.

"Sec. 2. The fact that the affidavits previously required place such a great hardship on many citizens of this State, and the further fact that it is desirable for the Probate Court to require information and evidence as necessary to establish the citizenship of the individual filing the certificates when the affidavits are not obtainable, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill:

Amend H. B. No. 197 by striking out everything above the enacting

clause and inserting in lieu thereof the following:

"By Sharpe: H. B. No. 197

**"A BILL  
To Be Entitled**

"An Act to amend Section 18, Chapter 41, Acts of the First Called Session of the Fortieth Legislature, as amended by Section 2, H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Section 1, H. B. No. 974, Chapter 564, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1, H. B. No. 624, Chapter 525, Acts of the Regular Session of the Forty-seventh Legislature, so as to provide for uniform fees to be charged for the issuance of delayed birth and death certificates by the Probate Court, Clerk thereof, and the State Registrar; and to provide that any citizen of Texas wishing to file the record of any birth or death occurring inside the State of Texas not previously registered, may submit such record to the Probate Court in the county where such birth or death occurred; to provide any citizen of the State of Texas wishing to file the record of any birth or death occurring outside the State of Texas not previously registered may submit such record to the Probate Court in the county where he resides; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

**House Bill 197 on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 197 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Bullock	Martin
Chadick	Mauritz
Cotten	Metcalfe
Graves	Moffett
Hazlewood	Moore
Jones	Morris

Ramsey  
Shivers  
Stone  
Sulak

Vick  
Weinert  
Winfield  
York

Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

**Report of Standing Committee**

Senator Stone, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 327, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

**House Concurrent Resolution 56**

The President laid before the Senate for consideration at this time.

H. C. R. No. 56, Authorizing State of Texas to build a bridge across Brakes Bayou.

The resolution was read and was adopted.

**House Concurrent Resolution 67**

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 67, Recalling H. B. No. 194 from Governor for correction.

The President laid the resolution before the Senate, it was read and was adopted.

**Committee Substitute Senate Bill 123 on Second Reading**

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 123, A bill to be entitled "An Act providing for secret ballot, repealing laws in conflict herewith, providing a savings clause; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Moore offered the following amendments to the bill:

(1)

Amend S. B. No. 123, Section 11, page 4, of the printed bill by striking out the following words "from and after its passage," in lines 19, 20, and 21, and insert in each of the places where such words are stricken out the words: "July 1, 1943."

(2)

Amend S. B. No. 123, page 1, of the printed bill, lines 49, 50, and 51, by striking out the following words: "the back of such coupon in such position that it shall appear on the outside when the ballot is folded." And inserting in lieu thereof the following words: "such coupon."

(3)

Amend S. B. No. 123 by adding thereto a new Section numbered 9 (a) and reading as follows:

"9 (a) The provisions of this Act as to the numbering and type of ballots and all other applicable provisions of this Act shall apply to all elections by the people held under any law or laws of this State."

The amendments were adopted severally.

Question—Shall the bill be passed to engrossment?

**Bills and Resolutions Signed**

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 129, A bill to be entitled "An Act limiting the hours of labor and prescribing wages for overtime labor of female employees employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, hotel, restaurant, rooming house, theater, moving picture show, barber shop, road side drink and/or food vending establishment, telegram, telephone or other office, express or transportation company or any State institution, or any other establishment, institution or enterprise where females are employed, any laundry, any factory engaged in the manufacture of cotton, woolen or worsted goods or articles of merchandise manufactured out of cotton goods; etc.; and declaring an emergency."

S. B. No. 205, A bill to be entitled "An Act to amend Subsection 69 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the time and terms of holding the 69th District Court in Parmer, Deaf Smith, Oldham, Moore, Hartley, Sherman, and Dallam Counties, constituting the 69th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds and making them returnable to the next term of Court in said counties and district, as herein fixed, to validate the summoning of grand and petit juries under this Act; and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act amending Subsection 16, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the 16th Judicial District Court in Denton and Cooke Counties, constituting the 16th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds and making them returnable to the next term of court in said counties and districts as herein fixed; validating

the summoning of grand and petit juries under this Act; and declaring an emergency."

S. B. No. 237, A bill to be entitled "An Act amending Chapter 9, Section 4, of the General Laws of the Second Called Session of the Forty-second Legislature of Texas; changing the time for holding District Court in the Counties of McCulloch, Brown, and Coleman, comprising the 35th Judicial District of Texas; validating all processes issued, bonds and recognizances made and all grand and petit juries drawn for a succeeding term of court before this Act takes effect and making them returnable to the next succeeding term of court in said counties as herein fixed; validating other processes issued and returned; authorizing the Judge of said Court to hold as many sessions of court in any term in any county as he may deem proper; providing for the apportionment of the cost of the salary of the official shorthand reporter of said district; providing for the time of taking effect of this Act; and declaring an emergency."

S. B. No. 158, A bill to be entitled "An Act to amend Section 9 and 15 of S. B. No. 270, Acts of the Regular Session of the Forty-sixth Legislature, so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto and Trinity Counties, and fixing the effective date of the beginning of such extension; and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act to prohibit the killing, capturing or taking possession of any wild fox in Fannin County for a period of two (2) years from and after the passage of this Act; prescribing a penalty for violation; and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act to amend Subdivision 84 of Article 199, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court in Carson, Hutchinson, Hansford, Ochiltree, and Hemphill Counties, constituting the 84th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summon-

ing of grand and petit juries under the present law so as to render them available in said counties under this Act; and declaring an emergency."

### Adjournment

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m., Monday, March 22, 1943.

Senator Moore moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion of Senator Martin yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—14

Brownlee	Martin
Bullock	Metcalf
Graves	Ramsey
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York

#### Nays—12

Aikin	Moffett
Beck	Moore
Chadick	Morris
Cotten	Shivers
Lovelady	Stone
Mauritz	Sulak

#### Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Senate, accordingly, at 12 o'clock m., adjourned until 10:00 o'clock a. m., Monday, March 22, 1943.

### THIRTY-EIGHTH DAY

(Monday, March 22, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Cotten	Martin
Graves	Mauritz
Hazlewood	Metcalf
Jones	Moffett